IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.487 OF 2005

M/s.Pepsico India Holdings Ltd. ..Petitioner.

Vs.

Krishnaprasad N. Sapkota & Ors. ..Respondents.

....

Mr.J.P.Cama, Senior Advocate i/b M/s.Sanjay Udeshi & Co. for the Petitioner.

Mr.P.M.Palshilar for Respondent No.1.

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CORAM : DR.D.Y.CHANDRACHUD, J.

23rd February, 2005.

P.C. :

From a copy of the Roznama that has been placed on the record by counsel for Respondent No.1, it is evident that the Petitioner has agreed to pay the subsistence allowance to the workmen as directed in the order of the Labour Court dated 30th September, 2004. The Roznama shows that the following handwritten endorsement was made by the

advocate for the Petitioner :

> "The first party company is ready and willing to pay the subsistence allowance as per the order of this Hon’ble Court."

In that view of the matter, the order of the Labour Court does not warrant interference under Article 226. However, it is necessary to clarify that this should not be construed as the expression of any opinion by the Court on the correctness of the reasoning of the learned Judge of the Labour Court and the question on merit should be regarded as being kept open for consideration in a future case should it arise before the Court. The Petition is accordingly disposed of.